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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA
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10 PHILIP A. PAUL,

11 Petitioner,

12 v.

13 WASHINGTON STATE ATTORNEY
14 GENERAL, et al.,

15 Respondents.

CASE NO. C16-5056 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendation (“R&R”)
17 of the Honorable David W. Christel, United States Magistrate Judge. Dkt. 27. The Court
18 having considered the R&R and the remaining record, and no objections having been
19 filed, does hereby find and order as follows:

20 (1) The R&R is **ADOPTED**;

21 (2) Petitioner’s 28 U.S.C. § 2254 claim (ground one) challenging the fact and
22 duration of his confinement is **DISMISSED with prejudice**;

(3) Petitioner's 42 U.S.C. § 1983 claim (ground two) regarding the conditions of confinement is **DISMISSED without prejudice**;

(4) A certificate of appealability is DENIED; and

(5) This case is closed.

Dated this 13th day of February, 2017.


BENJAMIN H. SETTLE
United States District Judge